

**REMARKS**

The Office Action dated May 22, 2007 has been received and carefully considered. In this response, claim 27 has been amended. No new matter has been added. Entry of the amendment to claim 27 is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

I. **THE INDEFINITENESS REJECTION OF CLAIMS 27**

On page 2 of the Office Action, claim 27 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. Applicant has amended claim 27 to correct this deficiency.

In view of the foregoing, it is respectfully requested that the aforementioned indefiniteness rejection of claim 27 be withdrawn.

II. **THE ANTICIPATION REJECTION OF CLAIMS 1, 4-11 AND 24-29**

On page 2 of the Office Action, claims 1, 4-11 and 24-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Chen (U.S. Patent No. 5,590,197). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the

public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). Such possession is effected only if one of ordinary skill in the art could have combined the disclosure in the prior art reference with his/her own knowledge to make the claimed invention. Id..

Regarding claim 1, the Examiner asserts that Chen discloses the claimed invention. Applicant respectfully disagrees. In particular, Applicant respectfully submits that Chen and the other cited references, taken either alone or in combination, fail to disclose, or even suggest, a system comprising “an optically encoded personal information carrier, the carrier comprising a card readable in an optical input/output device, the card comprising optically encoded personal information related to a user, the personal information including an account number,” as presently recited in claim 1. In contrast, Chen discloses a so-called “cyber wallet,” but there is no teaching or suggestion that such “cyber wallet” is an optically encoded personal information carrier, much less an optically encoded personal information carrier that is readable in an optical input/output device, as required by independent claim 1. In fact, the excerpts referenced by the Examiner do not even remotely teach or suggest that the cyber wallet is able to perform such functionality. *See, e.g.*, Chen, Col. 4, line 63 - Col. 5, line 34 and Col. 6, lines 12-32. Accordingly, is it respectfully submitted that claim 1 is allowable over Chen.

Regarding claims 12, 18, 24 and 42, these claims recite subject matter related to claim 1. Thus, the arguments set forth above with respect to claim 1 are equally applicable to claims 12, 18, 24 and 42. Accordingly, is it respectfully submitted that claims 12, 18, 24 and 42 are allowable over Chen for the same reasons as set forth above with respect to claim 1.

Regarding claims 2-11, 13-23, 25-29 and 42-45 these claims are dependent upon independent claim 1, 12, 18, 24 or 42. Thus, since independent claims 1, 12, 18, 24 and 42

should be allowable as discussed above, claims 2-11, 13-23, 25-29 and 42-45 should also be allowable at least by virtue of their dependency on independent claim 1, 12, 18, 24 and 42. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination. For example, claim 6 recites the system of claim 1, wherein the carrier further comprises optically encoded security information. However, as set forth above, Applicant respectfully submits that Chen does not teach or suggest the system of claim 1, and therefore does not teach or suggest the system of claim 1 wherein the carrier further comprises optically encoded security information.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1, 4-11 and 24-29 be withdrawn.

## II. THE OBVIOUSNESS REJECTION OF CLAIMS 2-3, 12-23 and 42-45

On page 5 of the Office Action, claims 2-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Hoguta (U.S. Patent No. 6,725,303). On page 6 of the Office Action, claims 12, 16-18, 22-23 and 42-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Duroj (U.S. Publication No. 2002/0167890). On page 7 of the Office Action, claims 13-15 and 19-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Duroj and further in view of Hoguta. These rejections are hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest

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all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully submits that the above-referenced obviousness rejections of claims 2-3, 12-23 and 42-45 are overcome by the reasons set forth above in connection with the anticipation rejection of claims 1, 4-11 and 24-29.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 2-3, 12-23 and 42-45 be withdrawn.

### III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

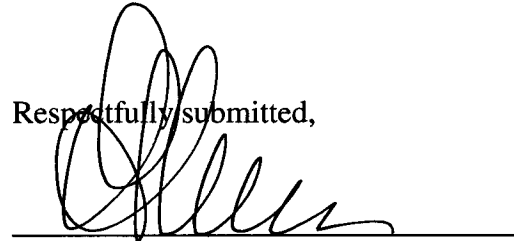
To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

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Please charge any shortage in fees due in connection with the filing of this paper,  
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fees to the same deposit account.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read 'Ozzie A. Farres', is written over a horizontal line.

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